

In re Application of :
Chesnut et al.
Application No.: 09/935,280
Filed: August 21, 2001
Page 9

PATENT
Attorney Docket No.: INVIT1300-1

II. REMARKS

Upon entry of the present amendment, claims 1 to 10, 13 to 19, 21 to 32, and 34 to 40 will be pending.

Pursuant to the restriction requirement, claims 11, 12, 20, 33 and 56 to 64 are cancelled herein without disclaimer, and without prejudice to Applicants' pursuing prosecution of subject matter encompassed within one or more of the claims in an application claiming the benefit of priority of the subject application.

It is stated in the Office Action that claims 1 to 10, 13 to 19, 21 to 32, and 34 to 40 are allowed. Since the claims withdrawn pursuant to the restriction requirement have been cancelled, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested.

Regarding the Information Disclosure Statements

Applicants note that three Information Disclosure Statements were filed on October 1, 2001, November 4, 2002 and July 31, 2003, respectively, in connection with the subject application. However, initialed copies of the PTO-1449 forms, indicating that the references cited therein were considered by the Examiner, have not been received. Applicants respectfully request that the Examiner return initialed copies of the PTO-1449 forms, with the next Communication in this case. The Examiner is invited to contact Applicants' undersigned representative if copies of the Information Disclosure Statements and cited references are not readily available.

In re Application of :
Chesnut et al.
Application No.: 09/935,280
Filed: August 21, 2001
Page 10

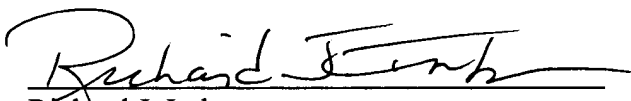
PATENT
Attorney Docket No.: INVIT1300-1

The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to the subject application.

No fee is deemed necessary in connection with the filing of this paper. However, if a fee is required, the Commissioner is hereby authorized to charge any required fee associated with the filing submitted herewith, or credit any overpayments, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: September 9, 2004


Richard J. Imbra
Registration No. 37,643
Telephone: (858) 677-1496
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO CUSTOMER NO. 28213